



U.S. Bureau of Indian Education
National Advisory Board for Exceptional Children

Bureau of Indian Education Advisory Board Meeting Minutes

July 25-27, 2018

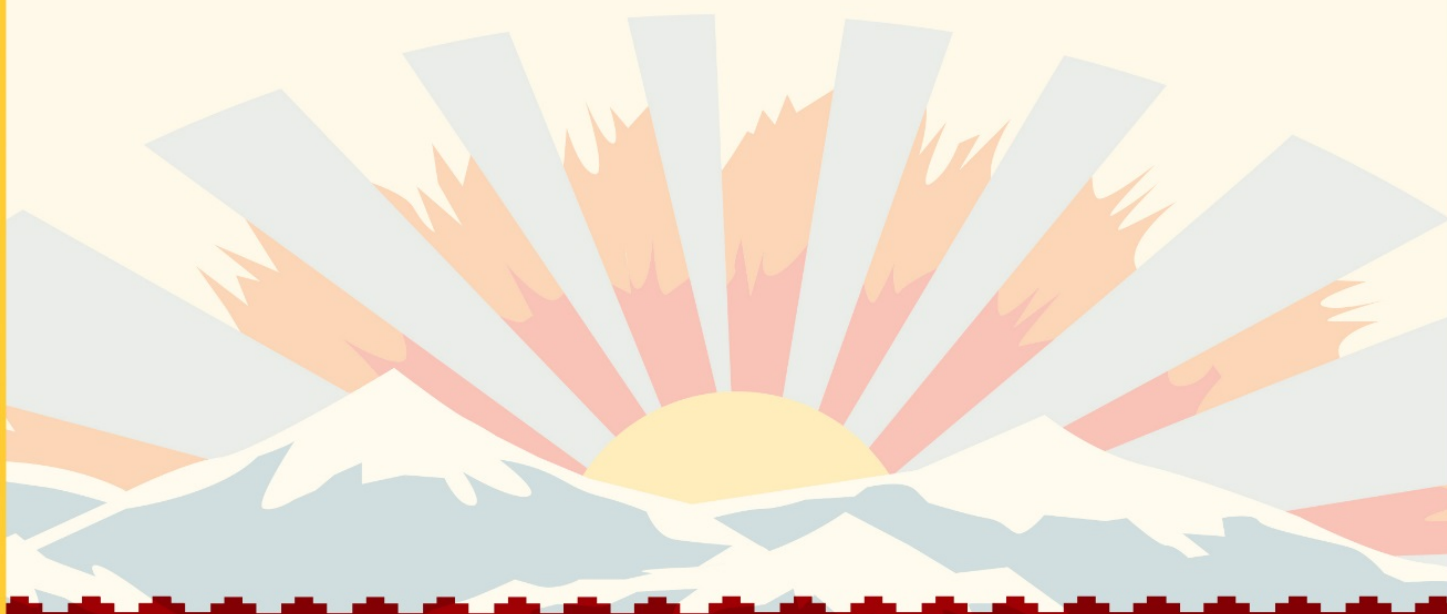


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Day 1 - Wednesday, July 25, 2018

Name of Committee: Bureau of Indian Education Exceptional Students Advisory Board

Meeting Location: 1011 Indian School Rd., NW, Room 340, Albuquerque, New Mexico

Meeting Presentation: Provided in person presentation for participants located onsite; and by teleconference (audio) for one Board member.

Interim Chair: None. Jonathan Stout took the initiative to lead the daily meeting sessions and discussions.

FACA Regulations: As an advisory board to a federal agency, the Advisory Board falls under the requirements of the Federal Advisory Committee Act (FACA; 5 U.S.C., Appendix 2). The provisions of FACA aim to ensure that the advice of federal advisory committees is objective and available to the public, and that the committees comply with cost control and recordkeeping requirements. The Advisory Board must comply with FACA regulations by:

- Making Advisory Board meetings open to the public,
- Publishing advance notice of upcoming meetings in the *Federal Register*,
- Recognizing a Designated Federal Officer (DFO) assigned by the BIE to support the Advisory Board,
- Ensuring that members avoid conflicts of interest, and
- Limiting membership terms.

Current DFO Jennifer Davis, Education Specialist, assisted the Advisory Board in maintaining compliance with the FACA regulations.

ORIENTATION for Advisory Board - began 7/25/2018 at 8:05 a.m. MT,

- **Welcome and Introductions** – provided by Jennifer Davis, DFO
- **Board Roll Call – completed by Jennifer Davis, DFO.**
 1. Present - Adrienne Benally, Board Member (via teleconference)
 2. Present - Norman Shawanokasic, Board Member (In person)
 3. Present - Dr. Jonathan Stout, Board Member (In person)
 4. Present - Ronald Worst, Board Member (In person)
 5. Absent - Dr. Susan C. Faircloth, Board Member (excused)
 6. Absent - Dolores Childs-Fullen, Interim Chair/Secretary (excused)
 7. Absent - Dr. Harvey Rude, Board Member (excused)
- **Orientation for Board Members** - provided by Jennifer Davis, DFO

- **Orientation items presented:**
 1. Overview of the DOI
 2. Overview of the BIE
 3. Overview of the BIE's Special education Program
 4. Brief review of the Individuals with Disabilities Education Act (IDEA)
 5. Review of Federal Advisory Committee Act (FACA) and regulations
 6. Review of the BIE's Advisory Board Charter
 7. Review of the Board Member Handbook

Recessed at 11:40 a.m. MT on 7/25/2018.

ADVISORY BOARD MEETING - started 7/25/2018 at 1:05 p.m. MT

Opening Prayer – provided by Norman Shawanokasic, Board Member

- **Call to Order and Board Roll Call** – completed by Jennifer Davis, DFO.
 1. Present - Adrienne Benally, Board Member (via teleconference)
 2. Present - Norman Shawanokasic, Board Member (In person)
 3. Present - Dr. Jonathan Stout, Board Member (In person)
 4. Present - Ronald Worst, Board Member (In person)
 5. Absent - Dr. Susan C. Faircloth, Board Member (excused)
 6. Absent - Dolores Childs-Fullen, Interim Chair/Secretary (excused)
 7. Absent - Dr. Harvey Rude, Board Member (excused)

Other individuals in attendance:

- Present - Jennifer Davis, DFO (In person)

Observers from the General Public:

- Austin Clawson, Special education Teacher, Pine Hill School (*attended for approximately 45 minutes then departed*)

- **Old Business** – Dr. Jonathan Stout reviewed minutes for the January 11-12, 2018 Advisory Board meeting that was conducted in Albuquerque, NM. Norman Shawanokasic noted his last name was misspelled in two different areas of the minutes. The January 11-12, 2018 minutes were accepted by all Board members. Norman Shawanokasic provided the motion to accept the January minutes. Ronald Worst second the motion. All approved the January minutes – Norman Shawanokasic, Ronald Worst, Dr. Jonathan Stout and Adrienne Benally.
- Letter to the Secretary – follow-up. There was no verification provided by the Secretary of the Interior that the document was received and reviewed.

- **New Business –**

- Jennifer Davis, DFO –
 - Needs to review travel vouchering procedures with the current Advisory Board members. This will be done during the orientation.
 - Conveyed to the Board members that the Charter will be renewed and will be sent through the DOI's DTS correspondence process for review.
- Donald Griffin, Division of Performance and Accountability (DPA), Supervisory Education Specialist for Special Education. (In person)
 - Would like to involve the stakeholders (BIE Advisory Board) to solicit information and seek input from the Board regarding the APR Data to EdFacts prior to submission of the data.
 - Will be providing new reports about special education topics.
- Norman Shawanokasic, Board member – discussed the issue of Board membership.
 - Two FRN's were issued and closed 1/29/18 and 7/16/18. There were 9 individuals who applied for a Board position.
 - All potential candidate applications will be reviewed August 1-2, 2018. No applications have been vetted at this time.
 - The Board membership has dwindled down to 7 members, with 2 board members terms expiring 9/10/18. We need to increase membership to the expected number of 15 board members.
 - The DFO submitted a third Call for Nominations 7/19/18. The closing date is set for 11/16/18.
 - Is alternate membership for appointed Board Members allowed? Mentioned as a possibility.
 - The Board has requested the DFO to place a request for the DOI Secretary to appoint a Chairperson. The Board agreed to recommend Norman Shawanokasic, current Board member to the DOI Secretary.
- The Board Members have requested to speak with the BIE Human Resource Department so a brief summary can be provided. This is one of the Boards' priorities
 - Follow up on June vacancy reports; Look at vacancies of teachers, and number of applicants;
 - The Board is asking if the BIE's re-organization has been approved, and would like to see an official signed copy of the BIE's organizational chart.
- Annual Report –
 - Jonathan Stout led the discussion; the group will work on two priorities; and provide a short letter with timelines to the DOI Secretary.

Recessed at 4:25 p.m. MT on 7/25/2018

Day 2 - Thursday, July 26, 2018

ADVISORY BOARD MEETING - started 7/26/2018 at 8:30 a.m.MT

- **Call to Order and Board Roll Call** – completed by Jennifer Davis, DFO.
 1. Present - Adrienne Benally, Board Member (via teleconference)
 2. Present - Dr. Harvey Rude, Board Member (In person)
 3. Present - Norman Shawanokasic, Board Member (In person)
 4. Present - Dr. Jonathan Stout, Board Member (In person)
 5. Present - Ronald Worst, Board Member (In person)
 6. Absent - Dr. Susan C. Faircloth, Board Member (excused)
 7. Absent - Dolores Childs-Fullen, Interim Chair/Secretary (excused)

Other individuals in attendance:

- Donald Griffin, Supervisory Education Specialist (In person)
- Dr. Eugene Thompson, Education Specialist
- Jennifer Davis, DFO (In person)

Observers from the General Public:

- None

Dr. Jonathan Stout – took the lead to run the Advisory Board meeting

- The orientation overview was very focused compared to the process provided by a commercial contractor.
- The DFO identified a need to meet more than twice per year due to several reasons: there will soon be 10 more new Board members; the Board had two meetings each year for 2016 and 2017 which did not provide adequate interactions and opportunities to accomplish tasks. The first meeting is dedicated to establishing and planning priorities and work plans, the second meeting is reserved for working on the annual report.
- Norman Shawanokasic – made a motion to amend the agenda. Dr. Harvey Rude seconded the motion – to have Donald Griffin to report to the Board about special education topics of interest for the Board.

Donald Griffin, Supervisory Education Specialist, BIE/DPA/SPED – reporting

- The BIE's Special Education Program (BIE's/SPED) received the Level of Determination from the U.S. Department of Education, Office of Special Education Programs (OSEP). The BIE/SPED continues to "Need intervention." This Level of Determination has remained unchanged for the past seven consecutive years
 - Matt Sneer and Josiah Willey – DOE employees provided the report.
 - BIE/SPED is short staffed – DOE understands the BIE's complexities

- How do we get BIE/SPED to meet the statutory requirements? There are various complex issues involved. For example, the application for the Part B grant was due 5/18/2018. The BIE submitted the Part B application to the DOI on time, however the document did not get to OSEP until three weeks after the due date. Don Griffin personally hand carried the application. The DOI Data Tracking System (DTS) slows the process down. Signatures are needed and processed which slows down the communication. As a result, the BIE still has not distributed Part B funds that were expected by 7/1/2018.
 - Special conditions from the DOE have been added – The BIE/SPED is required to use \$300,000 for secondary transition and post-school outcomes due to not meeting the target goal.
 - Don Griffin is trying to get everyone on board to see the importance of the BIE/SPED program. This requires a level of commitment beyond the Supervisory Education Specialists control.
- Annual Performance Report - Reviewed Indicator 1 and 2, 4a. Graduation Rate (4 year cohort), Drop Rate (Students with Disabilities, grades 7-12) and Suspensions/Expulsions Rate (minimum N size). Described significant discrepancy – which is three times the number of Students with Disabilities (SWD) as compared to the general education population within a school. There are 10 schools out of 118 BIE funded schools that have a significant discrepancy rating. We need to get the drugs and alcohol out of our schools. The significant discrepancy in the rate of suspensions and expulsions is directly related to drugs and alcohol usage in the BIE funded schools. This is a concern for both general and special education, and is related to student involvement with marijuana and alcohol. Students bringing weapons to school (two gun incidents) in our BIE schools, there are more incidents involving mainly knives being brought into schools by students in their backpacks.
- Assessment Participation and Performance – All BIE funded schools data were reported for high stakes testing; 23 different state education agency assessments were collected and analyzed to get an Adequate Yearly Progress (AYP) for each school. Currently, participation and performance are reported. The Native American Student Information System (NASIS) reflects incomplete data due to schools not collecting and reported their test scores; students not taking the correct test, not taking the test at all, and taking the correct test without required student accommodations and modifications. A significant amount of SWD took the wrong assessment and those scores cannot be counted which lowered the response rate for this item. A single assessment for the BIE schools that can be distributed by BIE through a vendor is desirable. The BIE would collect and analyze the test data. This indicator has been our downfall out of compliance for the past 4 years. The target is 96% and current data reflects 71.96%
 - Don Griffin – the BIE is going through Negotiated Rulemaking, proposal for a single assessment for BIE schools.

- Least Restrictive Environment (ages 6-21) Indicator 5 – this area has not been a huge problem but the BIE is a bit below the goals. Inside the regular classroom 80% or more of the day – the target is set at 74.50%, the BIE rated at 74%.35.
- Parent Survey (Indicator 8) - BIE is one of the top 5 in the U.S. on the parent satisfaction indicator. The target is set at 48.00%, and the BIE rated at 45.97%.
- Initial Evaluation (evaluations completed within 60 days) - The target is set at 100%, and the BIE rated at 83.45%. The number of students getting initial evaluations has increased. Reasons for BIE's lack of compliance:
 - No data or documentation were entered in the database for a variety of reasons. Evaluator issues (e.g. illness, staff turnover, and contract issues), confusion regarding the 60 day timeline requirement, weather issues (e.g. impassable roads) and "no reason" or "other issues."
 - The BIE conducts a significant amount of technical assistance which does not benefit BIE schools in many instances since the benefitting staff leave and take the knowledge with them.
- Secondary Transition IEP Desk Audit (sampling 3 files per school minimum) – Reviewed 307 IEP's. Significant need for improvement for this area. The target is set at 100%, and the BIE rated at 14.98%. The BIE is required to use \$300,000 to improve this indicator according to the DOE/OSEP.
 - BIE has been working intensely with Chemawa regarding this indicator that has resulted in improved performance.
- Post-School Outcomes (Indicator 14) – 3 potential outcomes: A. enrolled in higher education; B. enrolled in higher education or competitively employed within one year of leaving high school (1+2); C. enrolled in higher education or in some other postsecondary education or training program or competitively employed in some other employment (1+2+3+4) Targets were met for A and B; but not met for Target C.
- Resolution and Mediation sessions (Indicator 15) – Percent of hearing requests that resulted in resolution sessions that were resolved through resolution session settlement agreements. Less than 10 resolution sessions for the past 2 years which exempted BIE from setting target goals.
 - Jonathan Stout – would like a list of services that are blocked due to contracting issues.
- State Systemic Improvement Plan (SSIP) – Post-school outcomes was selected for this item. Target rate for SY 2014 = 71.50% (the BIE rate was 73.27%); SY 2015 = 73% (the BIE rate was 64.26%); SY 2016 = 74.50% (the BIE rate was %)
- Significant Needs for the BIE/SPED Program

- Quality staff at all levels
 - Direct services
 - Data quality
 - Timely, valid and accurate reporting of data
- Untrained paraprofessionals – need to be trained.
- Education Resource Center (ERC's) SPED program knowledge to provide direct assistance to schools – this area needs improvement.
- Contracts for services – also need to be improved.
- Understaffing at SEA (8/17 positions filled (4 are on hold) – Dr. Rude – any data on getting fully staffed? The Chinle and Crownpoint positions have been moved to Albuquerque (ABQ) and the certificate is being developed.
- Positives for the BIE/SPED Program:
 - SEA staff genuinely cares for SWD – staff invests long hours in service to SWD.
 - The BIE utilized DOE funded Technical Assistance (TA) Centers staff to SEA – to help the Part B SEA team;
 - Fiscal Accountability – process, procedures, oversight
 - Data Submission (EDEN, APR) – the BIE has submitted data on time for the past 3 consecutive years;
 - Monthly TA calls for BIE funded schools – started spring 2018; calls are recorded and placed on BIE website; is there a counter on the website to see how many times the recorded TA was accessed online? We need to check on this.
- Part B application – Norman Shawanokasic. – wanted more information about this;
 - Don Griffin – the DPA/SPED staff is reviewing the applications; and does not plan to distribute funds until all required documents are submitted to BIE as required.
 - The BIE submitted the application grant on May 10, 2018; need to meet the 60 day window open for public comments for the Part B application; DOE requested the application by May 15, 2018. Consequently, funds are not being released to BIE/SPED by 7/1/2018. DOE has not issued the grant award to the BIE/SPED, which means Bie/SPED can't distribute funds to the local education agencies in the BIE system.

Most school will open at the end of July including the Navajo schools. Dr. Stout asked, "Are the schools being notified?" Don Griffin states, "No." The schools potentially face consequences (i.e. not receiving SY 2018-19 special education funds when school starts) since the Part B application was not approved on time.
- BIE/SPED may possibly go through a Government Account Office (GAO) review regarding service issues and data reporting.
- Norman Shawanokasic – thanked Don Griffin for the SPED report; glad to see positives and not all negative reporting about the BIE/SPED program. Was the BIE's

reorganization chart signed? Don Griffin stated, “I don’t think it has been signed. Not sure. I will need to check on this.”

- Dr. Jonathan Stout – The Advisory Board wrote a letter to Secretary Zinke for the 2017 Annual Report. The format for the 2018 Annual Report will include correspondence that references a chart. All Board Members will sign the letter.

Break – 11:00 a.m. to 11:15 a.m. MT

Lunch – Lunch was amended to reflect 11:45am to 1:00 p.m. The Board meeting resumed working at 1:00 p.m. MT.

Recessed at 11:45 a.m. MT on 7/25/2018

Advisory Board meeting resumed at 1:00 a.m. MT on 7/26/2018.

- The Board plans to meet again this fall as a work group session to complete the 2018 Annual Report. The work group session will be 9/22/2018, Travel day for the Board Members will be Friday, 9/21/2018. The location will be in the large conference room #326 starting at 8:30 a.m. MT. There will be a working lunch; and work group session will end at 4:30 p.m. MT. The 2018 Annual Report will be finalized at the end of the work day.
- Dr. Harvey Rude – would like to know the status of the re-organization. Dr. Hamley suggested the Board speak with Maureen Leskey to get an update.

Dr. Jeffrey Hamley – Associate Deputy Director for the Division of Performance and Accountability. DPA Updates

- Unable to make the Advisory Board meeting in-person due to prior commitments to ensure the 2018 BIE summer regional meetings ran smoothly.
 - To keep cost down the BIE suggested regional conferences; although this may be problematic due to the increased amount of work for DPA to be responsible for presenting at the meetings, arranging logistics, planning, coordinating and approving travel.
 - Feedback from schools – summers training needs to be planned well in advance for next year and advertised early.
 - Attendance – was low at two sites; Santa Fe and Phoenix sites were well attended.
- Negotiated Rulemaking – the Federal Register Notice (FRN) will be published July of 2018. Three meetings are planned (orientation, virtual and in-person meeting); The provisions of the previous No Child Left Behind mandates imposed a greater agenda with a long list of activities to address – one of them was to use a central unified

accountability system or go with a State's accountability system. BIE/SPED expressed intent to change to a unified BIE accountability system for the next 10-15 years until Elementary and Secondary Education Act (ESEA) is re-authorized.

- Committee names published – Dr. Hamley has directed the DFO to email a copy of the names of the members of the Negotiated Rule Making committee to the BIE Advisory Board.
- State Plan – provisions fall under the Every Student Succeeds Act (ESSA). SWD are covered within the ESSA. A current draft is published on the BIE website. Based on feedback received at one feedback meeting, it is clear that the Tribes do not want a blank slate. The BIE presented a template for utilization by tribal education agencies. The tribes want written ideas on the template so they can discuss potential ideas on the template. BIE will form a second committee to update and place more options in the plan for stakeholder input. The goal is to have more robust stakeholder input. The state Plan and Negotiated Rule making are linked. BIE cannot finish the State Plan until the Negotiated Rule Making is completed. BIE will take that information and place it in the State Plan (SP). The BIE Director is committed to have a BIE State Plan. BIE will take the State Plan out for tribal consultation Spring 2019. Tribal consultation is for tribal leaders. What about non-tribal leaders? In addition to consultation, for community members, BIE will speak with parents, school staff members and will provide them feedback about the BIE's State Plan.
 - Dr. Harvey Rude – any possibility to individualize the SP for the regionals of the BIE schools? Navajo Nation and Miccosukee has developed their own accountability system. We also have some other schools who are interested in TA to explore how they can develop their own accountability system.
 - SP is organized by programs – Title 1a, etc. The SP requires to meet the requirements of ESSA for all schools who receive Title 1a, 21st century or McKinney Vento funds.
- Hiring personnel – we have vacancies; the SPED program has the most. The litigation is still pending in the Dakotas. Until the legal issues are settled all positions in this area have to be placed on hold.
 - DPA - when hiring the DPA now have been allowed to place the position (duty station) where the need is. This provides flexibility for DPA. Currently, for example Crownpoint has experienced difficulties in hiring 2 positions, so if BIE moves to Albuquerque there should be greater opportunity to fill the 2 positions.
 - BIE/SPED proposed to move the DPA staff in Washington, D.C. to ABQ, but the plan has not been approved as of this date. Greater levels of support is required for the ABQ operations.
 - The Associate Deputy Director (ADD) Bureau Operated Schools (BOS) position was recently filled. This was a SES transfer, not a hire. The SES Board did the transfer.
 - The Chief Academic Officer (CAO) will be filled as a competitive hire. A review panel will be formed. The BIE Director will make final decision. There are 179 applicants for the CAO.

- Don Griffin – the position for recent applicants, a question was raised regarding whether certificates have been received. Dr. Hamley will schedule time with HR to review applicants.
- The U.S. Government Accountability Office (GAO) – is interested in looking at special education programs in BIE funded schools. Investigation studies for Congress include the following areas of interest: timely IEPs, qualification of staff, services provided, and effectiveness of BIE monitoring.
- Budget – working on this to place funds and redistribute funds to schools after the DPA completes Undelivered Orders (UDO's).
- LRP Contract – a free service for all BIE funded schools is a valuable resources to school personnel. There is a need to develop more robust outreach to all BIE school staff including general education teachers and paraprofessionals to access the LRP SPED modules.
- Indefinite Delivery, Indefinite Quantity Contracts (IDIQ) – has been developed. Tasks orders will be placed to assist with DPA work and potentially share scope of work with the Advisory Board.
- Annual DPA meeting – July 30 through August 3, 2018 in Albuquerque, will have WestEd facilitators to help with annual planning, plan monitoring, and formation of teams to do the planning.
- New policy – developed for monitoring will soon be issued.
- Questions
 - Jonathan Stout – Data Tracking System (DTS) – any way to change DTS, it slows down the correspondence going out of the DOI? Jackie Cheek – suggested using templates for faster approval.
 - Jonathan Stout - Contracting Officers – not getting paid right away and refusing to work on the various reservations; any way to speed up the process?
 - Tony Dearman, BIE Director – “Contracting is a big issue, we have a new contracting officer.; Currently we have over 6,000 contracts coming out of Gallup office and the Southwest office in ABQ.; We have been able to partner with BIA to get the contracts processed. We need to continue to keep up our partnership to make sure the contracts are processed on time. BIE is looking to get a warranted Contract Officers to help speed up the process. We also need to educate other federal offices of the roles of the BIE staff. We are working forward to get this issue resolved in a timely manner.”

Tony Dearman, BIE Director – BIE Updates

- Hiring process for teachers – the hiring process needs to be faster and improved; Tony Dearman – “We are looking at the problems in HR to see how we can resolve them to improve our hiring.”
 - BIE has been hiring additional NASIS staff to collect and analyze data.

- BIE needs to work with our students to think about becoming teachers within the BIE schools.
- Training – needed for principals and teachers.
- GAO – BIE/SPED staff are looking forward to the review. GAO will be implementing a detailed review of the BIE schools, and hopefully providing extra assistance for the purpose of making the BIE system better. BIE designated as a high risk federal agency. In June, 2017, BIE reported 9 out of 13 GAO recommendations have been completed. Now waiting for the DOI Secretary to approve the BIE Strategic Plan.
- BIE Summer Regional Training – people are networking with each other, for the purpose of determining what is working and what is not, these type of trainings are needed; and participation has been good.; The BIE is getting a lot of positive feedback on the impact of these trainings. Don Griffin suggested regional SPED trainings. Schools are in need of training and are looking forward to them. The Advisory Board was encouraged to provide suggestions for improvements.
- Data – behind on data and getting caught up for the past 5 years. As BIE/SPED builds capacity the need to ensure that data are up to date. Also want to stay up to date on BIE hiring process and information about personnel data.
 - SPED data reporting – still needs improvement.
- Assessment – BIE is dealing with 23 states; BIE asked DOE to assist with this complex issue. Expectations for the DOI secretary to approve a uniform assessment system for the BIE schools.
- Communications – BIE is working on this issue. By the end of July 2018 the BIE will have a new BIE website to ensure communication to schools and tribal jurisdictions.
- Strategic Planning – provided a brief overview of what has been completed. All comments on the SP will be posted on the BIE website. BIE is committed to being as transparent as possible. There has not been a consistent strategic direction for the BIE.
 - Goal 1 – Early Childhood – collaboration will be improved with the tribes.
 - Goal 2 – Behavior Health – there is a high need in BIE schools; a Memorandum of Agreement with Indian Health Service specifies contacting all BIE schools to set up clinics within the schools. There is 1.8 million dollars available to the BIE and tribes to achieve this goal.
 - Goal 3 – School improvement – looking at how the process will result in increased learning and results for all students.
 - Goal 4- Post Secondary – we need to benefit post-school outcomes for SWD.

- Goal 5 – Tribal Sovereignty – to do this we need tribal leadership to plan and provide direction in collaboration with the BIE.
- Assessment Accountability – the BIE is going through NRM to address this.
- Past Office of Inspector General (OIG) reports – school violence, background checks for personnel – BIE fallen behind with 5 year investigation for federal employees; need to work with our tribes to make sure they are in compliance too with background checks. BIE is working with Internal Business Center to help with this.
- Residential Waivers – residential staff are required to have 32 hours of college courses without resources to assist staff in meeting this requirement. This has made it difficult to hire residential staff, and BIE/SPED requires a plan from the school to ensure how the 32 hours will be obtained to facilitate hiring qualified staff.
- Senior leaders ADD to meet the advisory board – at the next meeting
- Questions
 - Dr. Harvey Rude – new commitments or initiative of professional development (PD) for school board members for various BIE funded schools? Will post school board resources on the BIE website and post upcoming school board training. Work with ERC staff to reach out for training activities.

Dr. Maureen Lesky, Program Manager for the BIE Office of Sovereignty – the Advisory Board asked for a brief overview of the BIE’s Tribal Education Department (TED) grants.

- Ms. Lesky started her new position with the Office of Sovereignty 5 months ago, March of 2018.
- The Office of Sovereignty is part of the BIE reorganization.
 - Two positions are included with this office (Johnson O’malley and Early Childhood FACE Coordinator)
- 5 years ago a reform effort was implemented that included study groups and listening sessions which formed recommendations.
 - Strengthen tribal capacity in area of tribal sovereignty – supported by TED grants
 - TED grants began in 2015 and were approved for 3 years for FY 15, 16 and 17.
 - TEDs have receive additional funds for FY 18 which will address the FY2018-19
 - Last year 10 TED grants were awarded.

- FY 18-19 year – BIE Director wants to open up to more tribes to apply. BIE working on revising solicitation and getting other required documents prepared before the grant can be opened up.
 - The TED grants must upload and post their information on grants.gov website.
 - The application addresses 3 areas –
 - 1. Building capacity of tribal education codes
 - 2. Strengthening tribal education control
 - 3. Tribal administrative support.
 - Tribes will provide a quarterly monthly report; and will meet with BIE monthly.
 - There is page on the BIE website that shows a TED application. A new application will be posted when approved.
 - A booklet is being developed – will have an overview of goals and accomplishments of their TED grants
 - The BIE is looking at an ending meeting such as NIEA so the TED grants can present about their grant.
 - Working on possibility for TED grantees to meet with the Assistant Secretary of DOI regarding their TED grants.
- Dr. Jonathan Stout (Advisory Board members) provided information that the Council for Exceptional Children will have their 2019 Conference in Las Vegas, Nevada which will include a Native American strand for presentations. Hopefully the BIE can present at this conference.

4:30 p.m. Recess for the Day

Day 3 - Friday, July 27, 2018

Roll Call - Started at 8:30 a.m.

- Present - Adrienne Benally, Board Member (via teleconference) - Present
- Present - Dr. Harvey Rude, Board Member (In person) - Present
- Present - Norman Shawanokasic, Board Member (In person) - Present
- Present - Dr. Jonathan Stout, Board Member (In person) - Present
- Present - Ronald Worst, Board Member (In person) – Present
- Present - Dr. Susan C. Faircloth, Board Member - Absent - Excused
- Present - Dolores Childs-Fullen, Secretary – Absent - Excused

Other individuals in attendance:

- Donald Griffin, Supervisory Education Specialist (In person)
- Jennifer Davis, DFO (In person)
- Marcy Oliver, Education Specialist (BIE/DPA/SPED)

General Public (Observers) in attendance:

- Dr. Eugene Thompson, Education Specialist (BIE/DPA/SPED)
- (In person)
- Delphina Shunkamolah, Education Specialist (BIE/DPA/SPED), (In person)

Don Griffin provided additional information or clarification to the Advisory Board members about the following topics:

- **The BIE GAO Report** – The issue(s) under review/objective(s)/key question(s):
 1. How do BIE schools provide special education and related services under IDEA for students with disabilities?
 2. To what extent are eligible BIE students provided timely IEPs and the special education and related services described in their IEPs?
 3. To what extent do BIE schools have staff with the necessary skills and knowledge to develop and implement IEPs for eligible students?
 4. To what extent does BIE oversee and support BIE schools to help ensure that students receive the special education and related services identified in their IEPs?
 5. To what extent does Education monitor BIE's compliance with IDEA's IEP requirements?
- **Questions asked by the Advisory Board**
 - NWEA – requesting scores
 - Human Resources – getting data on personnel exiting BIE, vacant positions, number of personnel hired; data on qualified personnel; retention data, turnover rates in the schools,
 - National board Certified Teachers – are any numbers being released for this project? Which schools are utilizing this? Tom Moomaw handles the contract for this project. A stipend is provided when the teacher completes the program.
 - Do most schools provide housing? During the on-site monitoring visits this question is asked.
 - School safety – the suicide rate, we have not heard anything on this, publicly or... We would like data on this.
- **Marcy Oliver, Education Specialist (BIE/DPA/SPED) – Provided information regarding Due Process for the BIE**
 - FY 17-18 the BIE had 1 due process and settled in resolution and did not go to mediation.
 - There were 6 state complaints, one withdrew, 2 have investigation reports with corrective actions plans; 3 have been in contracting to have a mediator assigned (1 is represented by an attorney, 1 is represented by a disability rights center, and 1 is self-represented).

- The IDIQ contract is up for renewal, and will need to be renewed. The current one will expire 9/30/18. After review and approval a new IDIQ contract will be put out for bid.
- Jonathan Stout (Advisory Board) “How long does a document take to get through the DTS to be signed and ready to leave the DOI?”
- **Public Commenting Period (1:00pm – 1:30 pm MT)**
 - No individuals called in.
 - No individuals on-site participated in-person.
 - No written comments were submitted via fax, U.S postal service or hand-delivered.

Planned Meeting Dates for the Advisory Board – will need to be processed.

- September 22, 2018 (Saturday) – work group session to collect data to complete the 2018 Annual Report.
- January 16-18, 2019 – 1011 Indian School Rd., Large Conference Rm., Albuquerque, NM 87104; will include new board member orientation; possible tour of Southwestern Indian Polytechnic Institute (SIPI) and/or San Felipe School. Contact Casey Sovo, Education Program Administrator to set up. The BIE needs stakeholder input for the APR.
- Advisory Board members asked if they could observe on a monitoring trip, if possible during May 2019, as an invitational traveler to go on monitoring trips.

Motion to Recommend - Chairperson

- There was a motion by Dr. Harvey Rude to have Norman Shawanokasic (Advisory Board member) to forward his name to the DOI Secretary for approval for Chairperson for the BIE Advisory Board. Ronald Worst seconded the motion.
- Vice-Chairperson and Secretary – the Board will elect these positions during the January 2019 Board meeting.

Closing prayer - Norman Shawanokasic (Advisory Board member)

4:30 p.m. MT – The July 2018 BIE Advisory Board meeting ended.

Appendix 1: Advisory Board Member Roster

Table 1 lists current Advisory Board members.

Table 1. Advisory Board Members

| Member | Representative Category | Term | End Date |
|---|---|---------|----------|
| Dolores Childs-Fullen, Interim Chair/Secretary Chandler, AZ | Parents/Guardians of Children with Disabilities and Teachers of Children with Disabilities | 3 years | 9/2018 |
| Adrienne Benally Fort Defiance, AZ | Indian Persons with Disabilities, Parents/Guardians of Children with Disabilities, and Teachers and Local Education Officials | 3 years | 12/2019 |
| Dr. Susan C. Faircloth Wilmington, NC | Parents/Guardians of Children with Disabilities | 3 years | 5/2019 |
| Dr. Harvey Rude Loveland, CO | Parents/Guardians of Children with Disabilities | 2 years | 12/2019 |
| Norman Shawanokasic Keshena, WI | Parents/Guardians of Children with Disabilities | 3 years | 5/2019 |
| Dr. Jonathan Stout Lemont, PA | Indian Persons with Disabilities, Teachers of Children with Disabilities, and Service Providers | 3 years | 9/2018 |
| Ronald Worst Aumsville, OR | Parents/Guardians of Children with Disabilities | 3 years | 12/2019 |
| Eight vacant member slots | Vacant | Vacant | Vacant |

Appendix 1: Advisory Board Agenda

BIE ADVISORY BOARD FOR EXCEPTIONAL CHILDREN MEETING
1011 INDIAN SCHOOL ROAD, LARGE CONFERENCE ROOM, ALBUQUERQUE, NM 87104
JULY 25-27, 2018

July 25, 2018 (Wednesday) - BIE Advisory Board Orientation and Advisory Board Meeting

| | | |
|-------------------------|--|---|
| 8:00 a.m. | • Welcome and Introductions | <u>Jennifer Davis, Designated Federal Officer (DFO)</u> and |
| 11:30 a.m. | • Overview of the DOI and the BIE | <u>Donald Griffin, Supervisory Educ. Specialist</u> |
| | • Overview of the BIE Special education Program (SPED) | BIE/DPA/SPED Programs |
| | • Review of the Individuals with Disabilities Education Act (IDEA) | |
| | • Review of Federal Advisory Committee Act (FACA) and regulations | |
| | • Review Board Member Handbook | |
| 11:45 a.m. to 1:00 p.m. | Lunch (On Your Own) | Jennifer Davis, DFO |
| 1:00 p.m. To 4:30pm | Call to Order, Roll Call | Advisory Board Members |
| | • Old Business | |
| | • New Business | Advisory Board Members |
| | • Review and work on renewing Advisory Board Charter; | |
| | • Begin working on 2018 Annual Report | |
| 4:30 pm | Recess for the Day | |

July 26, 2018 (Thursday) - BIE Advisory Board Meeting

| | | |
|-------------------------|---|---|
| 8:30 a.m. to 2:00 p. m. | Advisory Board to continue working on: 2018 Priorities, Update/Finalize Charter, Work on 2018 Annual Report | Advisory Board Members |
| 12:00 p.m. | Lunch (On Your Own) | |
| 2:00 p.m. | BIE Special Education Updates | <u>Donald Griffin, Supervisory Educ. Specialist</u> |

| | | |
|-----------|--------------------|--|
| 2:30 p.m. | DPA Updates | <u>Dr. Jeffrey Hamley , Associate Deputy Director</u> Division of Performance & Accountability (DPA) |
| 3:00 p.m. | BIE Updates | <u>Tony Dearman, BIE Director</u> Bureau of Indian Education (BIE) |
| 4:30 p.m. | Recess for the Day | Advisory Board Members |

July 27, 2018 (Friday) - BIE Advisory Board Meeting

| | | |
|------------|---|----------------------------|
| 8:30 a.m. | Advice and Recommendations Advisory Board to continue to work on priorities | BIE Advisory Board members |
| 11:30 a.m. | Lunch (On Your Own) | |
| 1:00 p.m. | Public Comment (In person or phone) 1:00 p.m. to 1:30 p.m. Central Time zone. Call in Conference #: 1-888-417-0376 Passcode #: 1509140 | BIE Advisory Board members |
| 1:30 p.m. | Continue discussions – to work on recommendations, priorities, 2018 Annual Report and 2018 Board schedule. | BIE Advisory Board members |
| 4:30 p.m. | Adjourn and Closing Prayer | BIE Advisory Board members |

